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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,771	06/08/2001	Ken Jackson	EN046/00EN1	3938
24350	7590	01/14/2004		
STITES & HARBISON, PLLC 400 W MARKET ST SUITE 1800 LOUISVILLE, KY 40202-3352				
			EXAMINER CHIN, RANDALL E	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.	Applicant(s)	
09/877,771	JACKSON, KEN	
Examiner	Art Unit	
Randall Chin	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 11-13, 16, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claim 10, last line, there should be a period.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagner '551.

As for claims 1 and 6, the patent to Wagner '551 discloses an attachment apparatus (Figs. 1 and 2) for attaching a ground following implement 55 to a front portion of a vehicle 10, the apparatus comprising a frame 14 having a vehicle end (Fig. 1) pivotally attachable to the vehicle about a first pitch axis at 13 such that an implement end (right side of frame arm 14 in Fig. 1) of the frame is positioned in front of the vehicle, the implement end pivotally attachable to an implement 55 about a second pitch axis 65 (col. 3, lines 25-37 and col. 4, lines 39-47), and at least one wheel 36 (two castor wheels are shown) arranged to support the frame for movement thereof along the ground.

As for claim 2, the implement is movable to a transport position by pivoting about the second pitch axis (col. 4, lines 39-47).

As for claim 3, Wagner '551 teaches a yaw pivot at turntable shaft 48 (Fig. 4) operatively connected to the frame such that the implement can yaw with respect to the vehicle about a yaw axis (col. 4, lines 73-75).

As for claims 7 and 9, Wagner '551 teaches all of the claimed limitations as set forth above, in addition to a rotary broom 55, vehicle 10 and a drive 54 (engine or motor) to rotate the a drive operative to rotate the broom head. There is also a transport control operable to selectively pivot the broom about the second pitch axis into a raised transport position and into a lowered operating position as defined by linkages between crank 101 and clutch operating rod 100.

As for claim 10, the frame comprises a main frame 14 having a rear end pivotally attached to the vehicle 10 about the first pitch axis at 13, and a front end, and a yaw frame (as shown in Fig. 4) having a rear end pivotally attached to the front end of the main frame about a yaw axis at 48, and having a front end pivotally attached to the broom about the second pitch axis 65 (see also plan view of Fig. 3).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner '551.

As for claim 15, the broom comprises a broom head shaft 56 rotatably mounted to a broom head housing (Fig. 3), and wherein the motor drives the broom by a flexible drive element 72 connecting the motor. As for the arrangement where the midpoint of the broom head shaft provides for bristles of the broom head to rotate on each side of the drive element, such an arrangement is well known in the street sweeping art and is an obvious modification that involves routine skill in order to provide for an effective cleaning and drive arrangement for a brush/broom head.

***Allowable Subject Matter***

6. Claims 4, 5, 11-13, 16, 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

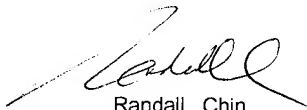
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R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744